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CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 2298**

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**Introduced by Assembly Member Torlakson**

February 18, 2010

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An act to amend Sections 33350, 51210.1, ~~51210.2~~, and ~~51225.3~~ and ~~51210.2~~ of, and to add Section 51220.7 to, the Education Code, relating to physical education.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2298, as amended, Torlakson. Education: physical education.

(1) Existing law requires the State Department of Education to adopt rules and regulations that it deems necessary and proper to secure the establishment of courses in physical education in the elementary and secondary schools. The department must compile or cause to be compiled and printed a manual in physical education for distribution to teachers in the public schools. The department must also encourage school districts offering instruction in kindergarten and any of grades 1 to 12, inclusive, to the extent that resources are available, to provide quality physical education, as specified.

This bill would require the department to periodically update the rules and regulations relating to physical education consistent with the Education Code and content standards developed by the State Board of Education. The bill would specify that the physical education manual

that must be distributed to teachers in the public schools be consistent with the requirements for physical education outlined in the Education Code and the content standards adopted by the state board.

(2) Existing law contains specified legislative findings and declarations relating to the importance of physical education in public schools.

This bill would modify those findings and declarations to emphasize the importance of the Physical Education Model Content Standards for California Public Schools and the Physical Education Framework, adopted by the state board, to the physical education program in the public schools, *as specified*.

(3) Existing law requires that the adopted course of study for grades 7 to 12, inclusive, shall include courses in physical education, with emphasis given to physical activities that are conducive to health and to vigor of body and mind, as specified.

This bill would require that courses of physical education provide each pupil with instruction and assessment of their learning consistent with the physical education model content standards, as specified.

Because this provision would increase the duties of local educational agencies, it would create a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 33350 of the Education Code is amended
- 2 to read:
- 3 33350. The department shall do all of the following:
- 4 (a) Adopt and periodically update rules and regulations that it
- 5 deems necessary and proper to secure the establishment of courses
- 6 in physical education in the elementary and secondary schools
- 7 consistent with this code and the content standards adopted by the
- 8 state board.

1 (b) Compile or cause to be compiled and printed a manual in  
2 physical education for distribution to teachers in the public schools  
3 of the state that is consistent with the requirements for physical  
4 education outlined in this code and the content standards adopted  
5 by the state board.

6 (c) Encourage school districts offering instruction in  
7 kindergarten and any of grades 1 to 12, inclusive, to the extent that  
8 resources are available, to provide quality physical education that  
9 develops the knowledge, attitudes, skills, behavior, and motivation  
10 needed to be physically active and fit for life; to provide daily  
11 recess periods for elementary school pupils, featuring time for  
12 unstructured but supervised play; to provide extracurricular  
13 physical activity and fitness programs and physical activity and  
14 fitness clubs; and to encourage the use of school facilities for  
15 physical activity and fitness programs offered by the school, public  
16 park and recreation districts, or community-based organizations  
17 outside of school hours.

18 SEC. 2. Section 51210.1 of the Education Code is amended to  
19 read:

20 51210.1. (a) (1) The Legislature finds and declares all of the  
21 following:

22 (A) This code currently mandates a minimum of 200 minutes  
23 of physical education instruction every 10 schooldays for pupils  
24 in elementary school. Recent studies have shown that the vast  
25 majority of children and youth are not physically active enough  
26 to achieve and maintain measures of physical fitness that support  
27 superior academic achievement and good health.

28 (B) According to a March 1997 report by the Centers for Disease  
29 Control, the percentage of children and adolescents who are  
30 overweight has more than doubled in the last 30 years. Most of  
31 this increase occurred within the last 10 years.

32 (C) Nearly 40 percent of children of ages five to eight years  
33 have health conditions that significantly increase their risk of early  
34 heart disease.

35 (D) Some 70 percent of girls and 40 percent of boys who are  
36 from 6 to 12 years of age do not have enough muscle strength to  
37 do more than one pullup.

38 (E) Most children lead inactive lives. On the average, first  
39 through fourth graders spend two hours watching television on

1 schooldays and spend close to three and one-half hours watching  
2 television on weekend days.

3 (2) It is, therefore, the intent of the Legislature that all children  
4 shall have access to a high-quality, comprehensive, and  
5 developmentally appropriate physical education as outlined in this  
6 code, the Physical Education Model Content Standards for  
7 California Public Schools, and the Physical Education Framework  
8 for California Public Schools.

9 (b) (1) Each school district selected by the Superintendent  
10 pursuant to paragraph (2) shall report to the Superintendent in the  
11 Coordinated Compliance Review as to the extent of its compliance  
12 with subdivision (g) of Section 51210 for grades 1 to 6, inclusive,  
13 during that school year.

14 (2) The Superintendent shall select not less than 10 percent of  
15 the school districts of the state to report compliance with the  
16 provisions set forth in paragraph (1). The school districts selected  
17 shall provide a random and accurate sampling of the state as a  
18 whole.

19 (c) For purposes of determining compliance with paragraphs  
20 (1) and (2) of subdivision (b), the Superintendent shall not count  
21 the time spent in recesses and the lunch period.

22 (d) A school district that fails to comply with the existing  
23 statutory requirements shall issue a corrective action plan to the  
24 department in accordance with the coordinated compliance review  
25 process.

26 (e) This section does not apply to high schools.

27 SEC. 3. Section 51210.2 of the Education Code is amended to  
28 read:

29 51210.2. (a) The Legislature hereby finds and declares that  
30 the physical fitness and motor development of children in the  
31 public elementary schools is of equal importance to that of other  
32 elements of the curriculum.

33 (b) It is, therefore, the intent of the Legislature to encourage  
34 each school district maintaining an elementary school composed  
35 of any of grades 1 to 6, inclusive, to do one of the following:

36 (1) Employ a credentialed physical education teacher to provide  
37 instruction in physical education for each class of grades 1 to 6,  
38 inclusive, within any elementary school in the district for a total  
39 period of time of not less than 200 minutes each 10 schooldays,  
40 exclusive of recesses and the lunch period.

(2) Provide each teacher providing instruction in physical education to any of grades 1 to 6, inclusive, within any elementary school in the district with *periodic* professional development in the content, instruction, and assessment of pupil learning in physical education, as set forth in the Physical Education Model Content Standards for California Public Schools and the Physical Education Framework adopted by the state board. *Priority for professional development should be given to teachers who have not completed at least one college-level course in elementary physical education.*

SEC. 4. Section 51220.7 is added to the Education Code, to read:

51220.7. Instruction required by subdivision (d) of Section 51220 in courses of physical education shall provide pupils with instruction and assessment consistent with the physical education model content standards adopted by the state board.

SEC. 5. ~~Section 51225.3 of the Education Code is amended to read:~~

~~51225.3. (a) A pupil shall complete all of the following while in grades 9 to 12, inclusive, in order to receive a diploma of graduation from high school:~~

~~(1) At least the following numbers of courses in the subjects specified, each course having a duration of one year, unless otherwise specified:~~

~~(A) Three courses in English.~~

~~(B) Two courses in mathematics.~~

~~(C) Two courses in science, including biological and physical sciences.~~

~~(D) Three courses in social studies, including United States history and geography; world history, culture, and geography; a one-semester course in American government and civics; and a one-semester course in economics.~~

~~(E) One course in visual or performing arts or foreign language. For the purposes of satisfying the requirement specified in this subparagraph, a course in American Sign Language shall be deemed a course in foreign language.~~

~~(F) Two courses in physical education.~~

~~(2) Other coursework requirements adopted by the governing board of the school district.~~

~~(b) (1) The governing board, with the active involvement of parents, administrators, teachers, and pupils, shall adopt alternative means for pupils to complete the prescribed course of study that may include practical demonstration of skills and competencies, supervised work experience or other outside school experience, career technical education classes offered in high schools, courses offered by regional occupational centers or programs, interdisciplinary study, independent study, and credit earned at a postsecondary institution.~~

~~(2) Requirements for graduation and specified alternative modes for completing the prescribed course of study shall be made available to pupils, parents, and the public.~~

~~(c) Notwithstanding any other provision of law, a school district shall exempt a pupil in foster care from all coursework and other requirements adopted by the governing board of the district that are in addition to the statewide coursework requirements specified in this section if the pupil, while he or she is in grade 11 or 12, transfers into the district from another school district or between high schools within the district, unless the district makes a finding that the pupil is reasonably able to complete the additional requirements in time to graduate from high school while he or she remains eligible for foster care benefits pursuant to state law. A school district shall notify a pupil in foster care who is granted an exemption pursuant to this subdivision, and, as appropriate, the person holding the right to make educational decisions for the pupil, if any of the requirements that are waived will affect the pupil's ability to gain admission to a postsecondary educational institution and shall provide information about transfer opportunities available through the California Community Colleges.~~

~~SEC. 6.~~

*SEC. 5.* If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.